

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Patricia A. Korte and LeRoy Korte,

Civil No. 06-1599 (RHK/RLE)

Plaintiffs,

v.

**ORDER DISMISSING
COUNTS I, II, IV & V**

Kmart Corporation,

Defendant.

Pursuant to the Stipulation to Dismiss Counts I, II, IV & V entered into by the parties, Count I (Disability Discrimination under the ADA), Count II (Retaliation under the ADA), Count IV (Age Discrimination in Violation of the ADEA), and Count V (Worker's Compensation Retaliation and Refusal to Offer Continued Employment) of Plaintiffs' Complaint are hereby **DISMISSED**, on the merits, with prejudice, and without costs to either party.

Dated: February 15, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge